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## VOTERS' GUIDE

EXPLAINING PROPOSED AMENDMENTS

TO THE  
 CONSTITUTION

OF THE  
 STATE OF NEW HAMPSHIRE

February 24, 1976

## ***TO THE VOTERS OF NEW HAMPSHIRE:***

At the February 24, 1976, election you will receive a separate non-partisan ballot with six questions for your consideration. Each question refers to a proposed amendment to the New Hampshire Constitution. If *two-thirds* of the people who vote on any given question vote YES then the Constitution will be amended as indicated in the question.

The first five questions have been proposed by the 1974 New Hampshire Constitutional Convention, a body of delegates elected every ten years to consider and recommend changes in your Constitution. The sixth question has been proposed by the 1975 New Hampshire Legislature, which also has authority to consider and recommend changes in your Constitution.

This Voters' Guide was prepared by a committee of the Constitutional Convention, as authorized by the Convention, and by the Office of Legislative Services, with the approval and assistance of the legislative leadership.

The Guide includes each question exactly as it will appear on the ballot and explains the effect of each proposed amendment.

As you will see, the issues are important and deserve your study and your vote.

**YOU MAY TAKE THIS  
GUIDE WITH YOU  
TO THE POLLS.**

## QUESTION NO. 1

### VETO PROCEDURE

#### QUESTION:

1. Are you in favor of amending the Constitution to provide that the governor shall have ten days, instead of five, to act on legislation submitted to him, and to provide that the governor shall recall the legislature for the sole purpose of reconsidering any bills he has vetoed after it has adjourned and to allow pay and mileage to the legislature at the same rate payable at special sessions?

Yes ☐

No ☐

#### AT THE PRESENT TIME:

The Governor has only 5 days to decide whether to approve or to veto bills passed by the Legislature. When the Legislature is in session, unless the Governor actually *veto*es a bill during the 5-day period, it becomes a law. However, *after* the Legislature adjourns, the situation is reversed: unless the Governor actually *appro*ves a bill within the 5-day period, it does *not* become a law.

#### IF THE AMENDMENT IS ADOPTED:

Whether or not the Legislature is in session, vetoes of bills will be handled uniformly.

The Governor will have 10 days, instead of 5 days, to decide whether to approve or to veto bills. Unless the Governor actually vetoes a bill during the 10-day period, it will become a law.

If the Governor vetoes any bills after the Legislature is adjourned, he will be required to recall the Legislature for the *sole purpose* of deciding whether or not to override the veto. Legislators will receive the same pay and mileage for attending such a session as they would for attending a Special Session.

## QUESTION NO. 2

SPECIAL SESSION

### QUESTION:

2. Are you in favor of amending the Constitution to allow the legislature to call itself into special session with customary pay and mileage by a majority vote of each house instead of a two-thirds vote of each house?

Yes ☐

No ☐

### AT THE PRESENT TIME:

The Constitution requires that, in order for the Legislature to call itself into Special Session, two-thirds of all of the members of the Senate and two-thirds of all of the members of the House of Representatives must each vote in favor of that action.

### IF THE AMENDMENT IS ADOPTED:

A majority vote, rather than a two-thirds vote, of each House will be required for the Legislature to call itself into Special Session.

## QUESTION NO. 3

CLARIFICATION OF  
RECESS PROCEDURE

### QUESTION:

3. Are you in favor of amending the Constitution to eliminate the authority of the governor to prorogue (that is, to extend) the recess of the legislature for up to ninety days?

Yes ☐

No ☐

### AT THE PRESENT TIME:

The Constitution provides that the Governor and Council may, when the Legislature is in recess, decide that the Legislature may not meet for a 90-day period, whether or not the Legislature thinks this is advisable.

### IF THE AMENDMENT IS ADOPTED:

The power of the Governor and Council to extend a recess of the Legislature would be repealed.

This will clarify a confusing Constitutional provision.

## QUESTION NO. 4

### LEGISLATIVE COMPENSATION

#### QUESTION:

4. Are you in favor of amending the Constitution to provide that all legislators, for actual daily attendance on legislative days in regular or special session, shall be compensated at the computed daily rate of the salary established for the lowest grade classified state employee and that the presiding officers shall also be compensated when attending to legislative business on non-legislative days; and that all legislators shall receive mileage payments at the same rate as paid to state employees?

Yes ☐

No ☐

#### AT THE PRESENT TIME:

The Constitution provides that each state legislator receives \$200 for a two-year term; the President of the Senate and the Speaker of the House receive \$250. Each legislator may receive an additional \$3 per day during a Special Session, for up to 15 days. These rates of compensation were set in the Constitution in 1889, when \$200 represented one-third of an average annual income.

Legislators also receive a mileage allowance. It is presently 25¢ per mile for the first 45 miles, 8¢ per mile for the next 25 miles, and 6¢ per mile for all miles over 70 miles per round trip to Concord. This is paid each day a legislator is in Concord at a legislative session or attending committee meetings or on other legislative business on days when the Legislature is not in session. By act of the 1975 Legislature, effective January 1, 1977, the mileage paid will increase to 30¢ per mile for the first 45 miles and 15¢ per mile for all miles over 45 miles per round trip, with a ceiling rate of \$40 per day.

#### IF THE AMENDMENT IS ADOPTED:

All legislators, including the President of the Senate and the Speaker of the House, will be paid for each day they attend a regular session (up to 90 days) or a special session (up to 15 days) at the same rate that the lowest paid state employee receives per day (presently \$21.82). In addition, the President and the Speaker will receive this daily pay for attending to legislative business on days when the Legislature is not in session.

Legislators will also receive mileage payments at the same rate paid to state employees (presently 12¢ per mile) for each day a legislator attends a legislative session or works on legislative business on days when the Legislature is not in session.

The general effect will be to reduce total mileage payments, while for the first time since 1889 realistically revising legislative pay to reflect the pressure of rising costs over the past 86 years.

## QUESTION NO. 5

### SUCCESSION TO GOVERNORSHIP

#### QUESTION:

5. Are you in favor of amending the Constitution to provide that when the office of governor is vacant, when the governor determines that he is unwilling or unable to discharge the powers and duties of his office, or when the supreme court upon motion of a majority of the executive council and after hearing determines that the governor is unable to discharge the powers and duties of his office, the senior member of the council shall function as governor?

Yes ☐

No ☐

#### AT THE PRESENT TIME:

The Constitution provides that when the governorship becomes vacant due to death, absence from the state, or otherwise, the following officers in the order listed shall, during the vacancy, have the power and authority of the Governor:

1. President of the Senate
2. Speaker of the House
3. Secretary of State
4. State Treasurer

The Constitution does not specify how a vacancy is determined. Although the Supreme Court has ruled that it can make this determination, there is still an unanswered question about who can ask the Court to rule that the Governor is disabled or unable to act.

#### IF THE AMENDMENT IS ADOPTED:

When the governorship becomes vacant due to death, resignation or absence from the state, the senior member of the Governor's Council shall, during the vacancy, have and exercise all the powers and duties of the Governor.

In addition, the Governor will be empowered to inform the Secretary of State that he is unwilling or unable to discharge the powers and duties of his office; then, the senior Governor's Councillor will assume the Governor's role until the Governor informs the Secretary of State that he is again willing and able.

Further, a majority of the Governor's Council will be enabled to decide if the Governor is unfit, and to so inform the Secretary of State. The Secretary of State, in turn, shall immediately refer the matter to the Supreme Court. The Court will conduct a hearing and determine whether the Governor is unable to discharge his powers and duties. If the Court determines that the Governor is unable to discharge his powers and duties, the senior Governor's Councillor will take over the powers and duties of the governorship, until such time as the Supreme Court returns the Governor to his office.

## QUESTION NO. 6

### DISTRICT COURTS

#### QUESTION:

6. Are you in favor of amending the Constitution to allow district courts to try persons for crimes committed in a county other than the county where the court sits, with the result that the legislature could create district courts containing towns and cities located in more than one county?

Yes ☐

No ☐

#### AT THE PRESENT TIME:

The Constitution requires the trial of each criminal case to be conducted in the vicinity of where it happened; as a consequence, it requires criminal trials to be conducted in the county in which the crime or offense is committed, except in cases of general insurrection.

#### IF THE AMENDMENT IS ADOPTED:

The Constitution will permit District Courts (which have been established to try criminal cases of a minor nature) to try persons for crimes and offenses committed in a county other than the county where the Court sits. This will permit District Courts to have jurisdiction of cases occurring *in nearby* towns and cities whether or not they are in the same county as the Court.

### PLEASE REMEMBER

- that these questions are non-partisan — they are not related to any candidate or party
- that two-thirds of those who vote on each question must vote **YES** in order to amend the New Hampshire Constitution
- that the questions are on the ballot because your elected representatives thought the issues were important enough to require your consideration
- that each question merits your thought and your vote

YOU MAY TAKE THIS  
GUIDE WITH YOU  
TO THE POLLS.

"Every voter who wishes to vote "Yes" will make a cross in the square near the word "Yes"; if he wishes to vote "No" he will make a cross in the square near the word "No". If he makes no cross in either square, his ballot will not be counted as to such question."

\* \* \* \* \*

(Questions proposed by the 1974 Constitutional Convention)

1. Are you in favor of amending the Constitution to provide that the governor shall have ten days, instead of five, to act on legislation submitted to him, and to provide that the governor shall recall the legislature for the sole purpose of reconsidering any bills he has vetoed after it has adjourned and to allow pay and mileage to the legislature at the same rate payable at special sessions? Yes ☐  
No ☐
2. Are you in favor of amending the Constitution to allow the legislature to call itself into special session with customary pay and mileage by a majority vote of each house instead of a two-thirds vote of each house? Yes ☐  
No ☐
3. Are you in favor of amending the Constitution to eliminate the authority of the governor to prorogue (that is, to extend) the recess of the legislature for up to ninety days? Yes ☐  
No ☐
4. Are you in favor of amending the Constitution to provide that all legislators, for actual daily attendance on legislative days in regular or special session, shall be compensated at the computed daily rate of the salary established for the lowest grade classified state employee and that the presiding officers shall also be compensated when attending on legislative business on non-legislative days; and that all legislators shall receive mileage payments at the same rate as paid to state employees? Yes ☐  
No ☐
5. Are you in favor of amending the Constitution to provide that when the office of governor is vacant, when the governor determines that he is unwilling or unable to discharge the powers and duties of his office, or when the supreme court upon motion of a majority of the executive council and after hearing determines that the governor is unable to discharge the powers and duties of his office, the senior member of the council shall function as governor? Yes ☐  
No ☐

\* \* \* \* \*

(Question proposed by the 1975 General Court)

6. Are you in favor of amending the Constitution to allow district courts to try persons for crimes committed in a county other than the county where the court sits, with the result that the legislature could create district courts containing towns and cities located in more than one county? Yes ☐  
No ☐